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## Appeal Decision

Site visit made on 27 November 2018

**by R C Kirby BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 December 2018**

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**Appeal Ref: APP/B9506/D/18/3213289**

**Ashburton House, Stock Lane East To Fairlands Farm, Landford Wood  
SP5 2ES**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Gary Hedges against the decision of New Forest National Park Authority.
  - The application Ref 18/00450, dated 8 June 2018, was refused by notice dated 2 August 2018.
  - The development proposed is single storey front extension and new side window to main dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are:
  - the effect of the proposal on the character and appearance of the host property and area in general, having particular regard to the design of the proposal, including its internal layout, and
  - whether the proposal is acceptable in relation to the cumulative enlargement of the dwelling, given the location of the property within the New Forest National Park.

### Reasons

#### *Character and Appearance*

3. Ashburton House is a detached chalet style property located within an attractive rural area characterised by individually designed detached dwellings set in spacious landscaped plots.
4. The new extension would be of a single storey design with a pitched roof, linked to the host property by a glazed link. Whilst the design of the extension is not exceptional, its single storey nature and pitched roof would reflect the design of the host property. Although the extension would project beyond the front wall of the dwelling it would not be unduly prominent in the street scene, because of the screening that is afforded by mature landscaping upon the plot, and its distance from the road. The extended dwelling's relationship to the road would not be dissimilar to nearby development including the dwellings to the east at Earldoms Copse and Ranchlands.

5. The new extension would provide a kitchenette, living area, 2 bedrooms and a bathroom. This would allow the appellants' elderly relatives to live independently whilst being near enough to the appellants so that they could provide support when necessary.
6. Whilst the size and layout of the extension would enable it to be occupied with a degree of independence, I note that the Council has previously found an outbuilding upon the site acceptable to provide annexe accommodation, which was detached from the host property. In terms of the extension before me, I am satisfied that its close relationship to the host property, the sharing of a garden and vehicular access and attached nature of it would not lend itself to separate occupation. For these reasons, I do not regard the proposed extension as being tantamount to a new dwelling as suggested by the Council. Moreover, its occupation could be controlled by planning condition; an approach that the Council has previously taken when it granted planning permission<sup>1</sup> for the detached cabin on the site.
7. In light of my findings, I conclude that the proposal would reflect the character and appearance of the host property and the area in general. There would be no conflict with the design, character and distinctiveness aims of Policies DP1 and CP8 of the New Forest National Park Local Development Framework Core Strategy and Development Management Policies DPD (DPD) or the control of residential development aims of DPD Policy CP12.

#### *Cumulative Enlargement*

8. In order to protect the distinctive character of the New Forest and maintain a range and mix of housing stock in the area, Policy DP11 of the DPD seeks to restrict the size of extensions permitted to existing dwellings. For dwellings which are not small dwellings and are outside the defined villages, as is the case with the host property, the policy states that extensions should not increase the floor space of the original dwelling by more than 30%. Larger extensions may however be permitted where there are exceptional circumstances, including where the extension meets the genuine family needs of an occupier who works in the immediate locality.
9. There is no dispute that the size of the proposed extension would be less than 30% of the floor space of the original dwelling and in this regard there would be no conflict with DPD Policy DP11. There is also no dispute between the parties that taken with the extant planning permission for a detached cabin on the site, that the proposal would exceed the 30% limit set out in this policy. On the basis of the evidence before me I have no reason to find differently in respect of these matters.
10. The appellants have however indicated that it is not their intention to construct the cabin as well as the proposed extension. They have stated that they would be prepared to revoke the planning permission for the detached cabin and have indicated their willingness to have a condition attached to the grant of planning permission in this regard. Whilst noting this willingness, a condition requiring that a unilateral undertaking or legal agreement is entered into is not reasonable and does not comply with the tests relating to conditions set out in paragraph 55 of the National Planning Policy Framework (the Framework) or

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<sup>1</sup> Ref 17/00859

the Planning Practice Guidance (PPG). Guidance on this issue is specifically referred to within the PPG<sup>2</sup>.

11. In light of my findings and in the absence of a suitable mechanism to prevent the detached cabin from being constructed, I conclude that the proposal would result in a size of extension that would conflict with DPD Policy DP11. In reaching this conclusion I have had regard to the extension being occupied by the appellants' elderly parents who need daily support and the likely health benefits that would result. However the supporting text to the policy makes it clear that the care of elderly relatives is not considered to be so 'exceptional' as to warrant a departure from the floorspace restrictions set out in the policy.

### **Other Matters**

12. My attention has been drawn to a number of extensions in the locality by the appellants in support of their case. I have not been provided with the individual circumstances of these cases and this therefore limits the weight that I can give them in my consideration of the appeal proposal. In any event, each planning application and appeal should be determined on its own merits, and this is the approach that I have taken in this case.
13. I note that the Parish Council did not object to the planning application, however this matter does not alter the conclusion that I have reached.

### **Conclusion**

14. Although the proposed extension would be visually acceptable, its size, taken with the extant planning permission for the detached cabin would undermine the wider objectives of the DPD in terms of safeguarding the distinct character of the National Park, and maintaining a mix and range of housing stock in the area. This would be contrary to the DPD for the reasons set out above and to the protection afforded to National Parks by the Framework.
15. Accordingly, I conclude that this appeal should be dismissed.

*R C Kirby*

INSPECTOR

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<sup>2</sup> PPG Paragraph: 010 Reference ID: 21a01020140306